

SITE DEVELOPMENT REGULATIONS FOR PUBLIC UTILITIES¹

TOWN OF FRANCESTOWN, NEW HAMPSHIRE

SECTION I. PURPOSE. To expedite the local approval process for certain low impact, essential public service projects, as specified, in these regulations provided that such projects do not adversely affect the character of the area or create a public hazard and provided that such projects are not contrary to the spirit of the Town's ordinances, codes, regulations and Master Plan.

SECTION II. AUTHORITY. Pursuant to the authority granted in the Frankestown Planning Board by the State Legislature under RSA 674:30, NH Revised Statutes Annotated, and as amended, the Frankestown Planning Board adopts the following regulations governing public utility projects.

SECTION III. JURISDICTION. Except as provided by these regulations, all public utility projects shall be subject to the requirements of the Subdivision Regulations, as well as to the requirements of the Zoning Ordinance and all other codes, regulations and ordinances.

Only projects that meet the following criteria may qualify for expedited treatment under this sub-set of the Site Development Regulations:

1. The project shall be necessary for the furnishing of utility service for the public health, safety or general welfare.
2. The siting options for the project shall be limited by virtue of said structure being a physically integrated component of the utility's transmission or distribution apparatus.
3. The applicant shall be a public utility that:
 - a) Falls under the jurisdiction of the NH Public Utilities Commission, and
 - b) In the case of small power production or cogeneration facilities, is covered under RSA 362-A:1-a.X and RSA 362-A:1-a.I.
4. The project shall be limited to unoccupied structure(s), other than communication towers, antennae or similar structures, which are less than 200 square feet in area and which are less than 15 feet in height, provided, however, that the intent of the area requirement is not circumvented by the use of multiple structures.

¹ These regulations are designed to be used in conjunction with the main text of the Site Development Regulations.

Projects meeting these criteria shall hereafter be referred to as Section III public utility projects and the applicants for such project shall be referred to as Section III public utilities.

SECTION IV. EXEMPTIONS FROM LOCAL ORDINANCES AND REGULATIONS.

- A. Section III applicants whose cases are accepted by the Planning Board are not required to obtain a special exception from the Zoning Board of Adjustment.
- B. The Planning Board may, but is not required to, grant waivers to Section III public utility projects for any requirement contained in any Town ordinance, code or regulation provided that such projects do not adversely affect the character of the area or create a public hazard and provided that such projects are not contrary to the spirit of the Town's ordinances, codes, regulations and Master Plan.
- C. Any such waiver (under B above) shall terminate without further action of the Planning Board if the project's structure ceases to be used for provisions of public service by the original Section III public utility. If the facility is to be sold, leased, or sub-leased to another operator, written approval from the Planning Board for an extension of the waiver must first be obtained.
- D. If and when a waiver terminates, the structure for which the waiver was granted shall be removed from the property and, if necessary the property shall be appropriately landscaped.
- E. The Planning Board shall waive the requirement for the posting of security to cover the possibility of Section D, above, provided that the public utility authorizes the Town of Francestown to add the cost of removing any facility to the utility's tax bill, should the utility fail to meet its obligations under Sections D and E, above.**